

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

KEESHA STRINGER

PLAINTIFF

v.

Case No. 3:14-cv-00151 KGB

**SMITH TRANSPORTATION, INC.
and JOHNIE STEIN**

DEFENDANTS

v.

ANTONIO PATTERSON

THIRD PARTY DEFENDANT

ANTONIO PATTERSON

PLAINTIFF

v.

Case No. 3:15-cv-00207 JLH

**JOHN H. STEIN JR., LARRY W. WINKLER,
and SMITH TRANSPORTATION, INC.**

DEFENDANTS

ORDER

Before the Court is defendants Smith Transportation, Inc. and Johnie Stein’s motion to consolidate actions (Dkt. No. 23). Smith Transportation and Johnie Stein “request that the Court consolidate *Keesha Stringer v. Smith Transportation, et al.*, Case No. 3:14-CV-00151 . . . with and into *Antonio Patterson v. John H. Stein, et al.*, Case No. 3:15-CV-00207-JLH” (Dkt. No. 23, ¶ 1). Smith Transportation and Johnie Stein filed their motion to consolidate in both cases. Neither Ms. Stringer nor Mr. Patterson has responded to the respective motions to consolidate, and the time to do so has passed. Also before the Court is Ms. Stringer’s unopposed motion for continuance (Dkt. No. 25).

First, the Court considers Smith Transportation and Johnie Stein’s motion to consolidate actions. Under Rule 42 of the Federal Rules of Civil Procedure, “[i]f actions before the court involve a common question of law or fact, the court may . . . consolidate the actions.” Fed. R.

Civ. P. 42(a)(2). To decide whether to consolidate actions, courts consider whether consolidation “will serve the interests of convenience and economy in administration and avoid unnecessary cost or delay.” *Enter. Bank v. Saettele*, 21 F.3d 233, 235 (8th Cir. 1994).

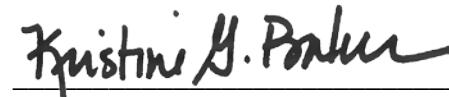
Here, Ms. Stringer and Mr. Patterson both seek damages for personal injuries allegedly sustained during a motor-vehicle collision with a tractor operated by Johnie Stein and allegedly under the authority of Smith Transportation. In the *Patterson* case, based upon this Court’s review of the docket, Mr. Patterson alleges that defendant Larry Winkler was the owner of the tractor. The allegations in both actions involve the same alleged tortfeasors; similar, if not identical, claims; and common questions of law and fact arising from the same motor-vehicle collision. Accordingly, consolidation will serve the interests of convenience and economy in administration and avoid unnecessary cost or delay. Therefore, to the extent that Smith Transportation and Johnie Stein request the Court to consolidate *Keesha Stringer v. Smith Transportation, et al.*, Case No. 3:14-cv-00151-KGB, and *Antonio Patterson v. John H. Stein, et al.*, Case No. 3:15-CV-00207-JLH, into one action, the Court grants the motion (Dkt. No. 23) and hereby consolidates the two actions.

Under General Order 39 of the United States District Court for the Eastern District of Arkansas, if a motion for consolidation is granted, “the consolidation cases will be assigned to the judge with the lower (lowest) case number.” Here, the *Stringer* case has the lower case number. Therefore, the *Patterson* case shall be consolidated with and into the *Stringer* case before the undersigned Judge. All parties are directed to make filings only in *Stringer v. Smith Transportation, et al.*, Case No. 3:14-cv-00151-KGB, going forward.

Next, the Court addresses Ms. Stringer’s motion for continuance of the trial date (Dkt. No. 25). This case currently is set for trial on October 26, 2015. Ms. Stringer does not request a

specific length of time or a specific date for the continuance. Ms. Stringer states that she has consulted Smith Transportation and Johnie Stein and that they agree that a continuance is needed in this matter. For good cause shown, the Court grants Ms. Stringer's motion for continuance and hereby continues the October 26, 2015, trial date. The Court will set new deadlines and a new trial date by separate order.

SO ORDERED this 27th day of August, 2015.



Kristine G. Baker
United States District Judge